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Indian Child Welfare Act (ICWA) Courts:

A Tool for Improving Outcomes for
American Indian Children and Families

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Nothing About Us Without Us

*An Indian Child Welfare Act (ICWA) court is intended to promote greater tribal involvement and to improve collaboration to support Indian families in child protection cases. It is not just a docket or a specialization by judges or social workers. Tribes must be involved from the outset so that their voices are heard. One of our tribal members used the words, **Nothing about us without us**, and that has been a central theme in everything we do in our ICWA court.*

This publication will describe how we began, what we do, and how our court promotes better outcomes for Indian families. From the beginning, we have remained constant in our desire to promote relationships and to listen. Our court is based on what we heard in monthly collaborative meetings that included tribal representatives, county representatives, attorneys, guardians and anyone else interested in discussing how we were handling ICWA cases and what we could do better.

In the following pages, you will see how these collaborative meetings set a tone, that we were there to listen, that everyone would be treated respectfully, and that we were earnest in our desire to do things differently in order to best support tribes and Indian families.

These meetings continue to this day, and one agenda item is a part of every meeting: How are we doing and what can we do better? Hearing things that are working, that families feel heard, that tribes feel they have a voice, and that tribal workers and social workers are working well together tells me that things are working as we hoped at the beginning of our journey. But it doesn't mean our work is done. We know there are things we can do better, and we have created a strong foundation for doing that. The building blocks for that foundation can be found in this publication.

Judge Sally Tarnowski

Sixth Judicial District, Minnesota

Introduction

The St. Louis County Indian Child Welfare Act (ICWA) Court in Duluth, Minnesota, currently led by Judge Sally Tarnowski, is a dedicated docket of child welfare hearings involving Indian children as confirmed or presumed by the definitions outlined in the ICWA¹ and the Minnesota Indian Family Preservation Act (MIFPA).² The cases come to Judge Tarnowski either as identified by the county child welfare agency or transferred by another judge following an initial hearing, with the ICWA Court having the majority of cases involving Indian children. The docket is held in a specific courtroom and at a consistent time and day. The environment and characteristics of the hearing process are informed by regular Tribal State Partnership Team (TSPT) meetings as well as meetings of an ICWA Collaborative. Meetings by both of these groups have been an important part of the development (discussed below) of the ICWA Court, and its ongoing implementation.

In this publication, the ICWA best practice implementation experiences of the St. Louis County ICWA Court are featured, along with highlights from research evaluating its implementation, with the goal of providing guidance to other jurisdictions hoping to enhance their own ICWA implementation efforts and achieve positive outcomes for children and families. This technical assistance bulletin joins other publications developed by the National Council of Juvenile and Family Court Judges (NCJFCJ) regarding ICWA for use by judges, court staff, attorneys, child welfare professionals, and other stakeholders involved in child welfare cases,³ to provide guidance on practices that can be adopted to enhance ICWA implementation. While not every court may be in a position to implement an ICWA Court, they can start to implement the best practices discussed when working with tribal families and tribal communities.

Development of the St. Louis County ICWA Court

The St. Louis County ICWA Collaborative began in 2014 and guides the development of improved ICWA practices to better serve American Indian children and families in southern

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- 1 Indian Child Welfare Act of 1978, 25 USC, §§ 1901–1963; 25 CFR part 23. Available at <https://www.federalregister.gov/documents/2016/06/14/2016-13686/indian-child-welfare-act-proceedings>.
 - 2 Minnesota Indian Family Preservation Act Available at https://www.mncourts.gov/mncourtsgov/media/scao_library/CJI/11-MINNESOTA-INDIAN-FAMILY-PRESERVATION-ACT.pdf.
 - 3 In 2016, for example, the NCJFCJ released the *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*, a document written by judges and experts in the field for use by judges and court professionals as a tool to enhance court practice in child welfare cases (Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016), hereinafter the *Enhanced Resource Guidelines* (2016)). And, with the release of the ICWA Guidelines in late 2016, the NCJFCJ developed an ICWA judicial benchbook: National Council of Juvenile and Family Court Judges (2017). *Indian Child Welfare Act Judicial Benchbook*. NCJFCJ, Reno, NV.

St. Louis County. The ICWA Collaborative is composed of the local District Judge (Judge Sally Tarnowski), the University of Minnesota at Duluth (UMD) Center for Regional and Tribal Child Welfare Studies (the Center), staff and representatives from the Leech Lake, Grand Portage, Mille Lacs, Red Lake, White Earth, Bois Forte, and Fond du Lac Bands of Ojibwe. These representatives include two tribal leaders, tribal attorneys, a tribal judge, and tribal child welfare directors, supervisors, and staff. From the public child welfare realm, the ICWA Collaborative has consistent participation from the St. Louis County Public Health and Human Services Division Director and ICWA unit supervisor, the County Attorney for St. Louis County, the Director of the 6th Judicial District Guardian Ad Litem program, guardians ad litem, and other systems' stakeholders and community members. The purpose of ICWA Collaborative meetings is to gain a common understanding of how to effectively implement ICWA, the 2016 Bureau of Indian Affairs (BIA) ICWA Regulations,⁴ and the Minnesota Indian Family Preservation Act (MIFPA),⁵ including maintaining a shared understanding of the spirit and intent of the legislation and regulations.

The St. Louis County ICWA Court

After gathering guidance and feedback about ICWA case practice including court observations, discussions with county social services and tribal representatives, and review of administrative data about ICWA case outcomes, Judge Tarnowski launched the ICWA Court in April 2015. The ICWA Court dramatically changed how ICWA hearings are heard in Duluth. For example, hearings are held in a larger courtroom where a series of four tables form a square, where all parties, including the judge, are seated. This is more inclusive and provides an opportunity for parties in the case to speak with families, instead of about them. American Indian community members have gifted the court with traditional medicines, which are placed within the square for families. All ICWA cases go to Judge Tarnowski and hearings are scheduled on the afternoon docket, increasing the opportunity for statewide tribal representatives to attend hearings in person whenever possible. A family room is available on the same floor in the courthouse for families to meet before and after hearings and also to meet with spiritual advisors. Space outside the courthouse has been identified as an area for families to smudge before and after hearings. Culturally specific decor was added to the courtroom. The judge also began visiting regional tribal courts and social service organizations to engage with them and to develop long-term relationships.

In 2016, UMD and the Center was awarded a grant from the U.S. Department of Health and Human Services, Children's Bureau, to be the lead organization of the State and Tribal Indian

4 Supra, note 1.

5 Supra, note 2.



Child Welfare Act (ICWA) Implementation Partnership Grant.⁶ Through this grant, a Tribal and State Partnership Team (TSPT) was formed to co-create a practice model that addresses ICWA compliance and implement that model in the ICWA Court. This involved identifying and developing protocols and practices that promote effective and timely:

- Identification of American Indian and Alaska Native (AI/AN) children;
- Notice to and engagement of tribes in matters involving AI/AN children;
- Tribal participation in hearings involving Indian children;
- Tribal intervention in state court child abuse and neglect cases;
- Transfer of ICWA cases to tribal courts; and
- Placement of Indian children according to ICWA and tribal placement preferences.

UMD partnered with the NCJFCJ to provide additional technical assistance and evaluation support to the grant project. With respect to evaluation, one way the NCJFCJ has supported the TSPT efforts is by conducting an implementation evaluation of the St. Louis County ICWA Court. Findings from that study are featured in this document and are discussed in light of how those findings inform “lessons learned” about ICWA implementation best practices.⁷

⁶ Grant Award Number 90CT7004-03-00.

⁷ A detailed and comprehensive report of the research methods, analyses, and full findings from the St. Louis County ICWA Court study is currently being developed for publication (Gatowski, S.I., Summers, A., and Bussey, B. (2021). *Examining the Effectiveness of an Indian Child Welfare Act Intervention: Evaluation of the Duluth, Minnesota ICWA Court*). Please contact the NCJFCJ to obtain updated information about publication date and/or to obtain a copy.

Snapshot: St. Louis County ICWA Court Implementation Evaluation

Goals: 1) To assess ICWA implementation in St. Louis County by examining the impacts of the ICWA Court intervention on case process and outcomes using a pre-ICWA Court/post-ICWA Court research design; and 2) to provide robust baseline data to the TSPT to use in a continuous quality improvement process to help prioritize and target areas for continued and expanded intervention.

Methods: The evaluation design used case file review of pre-ICWA Court and post-ICWA Court cases as well as structured observation of St. Louis County ICWA Court hearings.

- Pre-ICWA Court Sample: 82 randomly selected ICWA-involved cases that closed in St. Louis County between 2012-2014 (prior to ICWA Court implementation).
- Post-ICWA Court Sample: 85 randomly selected ICWA-involved cases that closed in St. Louis County between 2015-2017 (after ICWA Court implementation).
- ICWA Court Hearing Sample: 306 ICWA Court hearings that occurred between March 2018 and November 2018 in St. Louis County were observed and coded.

*The post-ICWA Court case file review data collection was completed in partnership with the Capacity Building Center for Courts (CBCC) and the Children's Justice Initiative (CJI), Minnesota Judicial Branch.

Lessons Learned About ICWA Implementation Best Practices - The St. Louis County ICWA Court

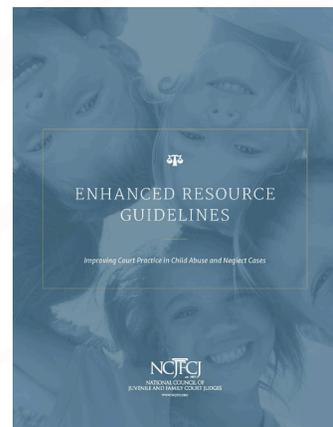
In the remaining sections of this document we summarize the lessons learned thus far about ICWA implementation best practices and the ICWA Court interventions. The discussion is informed by evaluation findings from case file review and court observations, and reflections from key tribal, state, and court stakeholders who shared their experiences of the ICWA Court implementation. The discussion is organized around some of the key ICWA implementation performance measures for the HHS grant project: inquiry and notice; the presence of parties and stakeholders (parents, tribal representatives, and attorneys); placement preferences; active efforts, and the use of qualified expert witnesses. A snapshot of findings, where applicable, from the ICWA Court study and baseline data collection efforts are presented to help shed light on ICWA Court implementation, outcomes, and alignment with best practices.⁸ The conclusion summarizes ICWA Court implementation lessons learned and next steps.

8 Id.

Inquiry and Notice

It is critical for courts to determine whether a child is an Indian child at the beginning of the case to ensure compliance with ICWA. The goal of family reunification is more difficult to achieve if all parents have not been identified.⁹ By approaching hearings as a partnership with parents, children, and families, courts take a strength-based approach to creating the best possible outcome for the families.¹⁰ Asking family members, including children, about paternity and the whereabouts of fathers, can assist in locating fathers and other family members that can either be placement options or part of the child’s life moving forward when the court is looking at support and resources.

The *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases (Enhanced Resource Guidelines)* recommend courts “have procedures in place for immediate notice of the pendency of a case to the child’s Indian tribe” in order to ensure children do not spend more time than necessary in foster care.¹¹ By providing notice as soon as possible, the court is ensuring the tribe will have every opportunity to be involved in the case. This may be especially beneficial when the tribe is able to offer services to the children or family, but it is equally as important if the tribe is unable to provide services because it will likely be able to provide the connection to culture and family. The Federal Register publishes “Indian Child Welfare Act; Designated Tribal Agents for Service of Notice” annually.¹² After outlining notice requirements under ICWA, this publication details the contact information for each federally recognized tribe. If the tribal affiliation of the child is unknown, it directs notice to be sent to the “appropriate Regional Director” of the Bureau of Indian Affairs, pursuant to ICWA.



Inquiry is tied to notice and several considerations should be made to ensure proper inquiry and therefore proper notice. It is important to ensure accuracy such as properly spelled names, correct birthdays, and information about extended family on notices. It is also important for judges to inquire regularly into Native American heritage during hearings

⁹ *Enhanced Resource Guidelines*, pg. 41.

¹⁰ *Enhanced Resource Guidelines*, pg. 68.

¹¹ *Enhanced Resource Guidelines*, pg. 92. see also *Indian Child Welfare Act Judicial Benchbook*; Spotted Elk, S. (2017). The Rights of Indian Children: Indian Child Welfare Act Regulations, American Bar Association available at <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2017/rights-of-indian-children-indian-child-welfare-act-regulations/>.

¹² <https://www.federalregister.gov/documents/2019/05/09/2019-09611/indian-child-welfare-act-designated-tribal-agents-for-service-of-notice>.

and encourage social service staff to continue the inquiry after the hearing. Those who have observed non-ICWA Court hearings have seen both positive and negative examples of practice. For example, in one hearing, an observer witnessed a judge discourage parents from speaking while they were correcting agency staff about tribal affiliations, but then have to revisit the matter at a later hearing. The time that lapsed could have been used to identify family members, resources, etc., to assist the parents with their case. With good notice practices, a jurisdiction can connect families to culturally appropriate resources and services, determine the tribe's involvement in the case, and ensure ICWA compliance.

Findings from the evaluation of the St. Louis County ICWA Court indicate a great deal of practice that aligns with ICWA requirements for inquiry and notice. The Judge regularly inquires about ICWA eligibility and makes ICWA applicability findings throughout the case, for example, and this has improved since the implementation of the ICWA Court. Notice of the petition filing to the Tribe occurred in almost all (98%) of the ICWA Court cases as well, representing a significant improvement over pre-ICWA Court cases when only half of the cases (50%) provided notice of the petition filing to the tribe. A commitment to asking questions in a way that generates valuable information at this early, and vital stage of the case.

Parents' Presence and Engagement



Engaging families is a key best practice of the *Enhanced Resource Guidelines*, which encourages a court to do all it can to make meaningful engagement of parents a regular practice.¹³ Research shows that successful engagement of families in hearings has positive outcomes in numerous ways from expanding options for placement to improving compliance with case plan-related treatment.¹⁴ To properly

¹³ *Enhanced Resource Guidelines* pg. 68.

¹⁴ See for example: Summers, A. & Gatowski, S. (2018). *Nevada Hearing Quality Study: Examining the Quality of Child Welfare Court Hearing Practice in Nevada*. Carson City, NV: Nevada Court Improvement Program; Bohannon, T., Nevers, K., & Summers, A. (2015). *Hawaii courts catalyzing change case file review and court observation pre and post benchcard*. Reno, NV: National Council of Juvenile and Family Court Judges; Macgill, S. and Summers, A. (2014). Assessing the relationship between the quality of juvenile dependency hearings and foster care placements. *Family Court Review*, 52, 678-685.

“To engage parents in the hearing is to drive them, offer alternative transportation, securing technology so they can participate remotely, or go out to where they are and join in via technology with them (as long as it’s safe). To locate fathers, it would be to send certified mail or physically check locations of where he may be. He would have to be verified by a birth certificate and/or by the mother.”

engage parents they must be present. Parents were frequently present at ICWA Court hearings, especially earlier hearings in the case process. When compared to pre-ICWA Court cases, significantly more mothers were present at disposition review hearings in the post-ICWA Court cases. The evaluation found that cases with more hearings in which mothers were present were also significantly more likely to close with a reunification outcome. In addition, cases with more hearings in which mothers and fathers were present achieved permanency in significantly less time. These ICWA Court evaluation findings are consistent with other research on child welfare cases generally that have

shown a link between the presence of parties in hearings to timely permanency, including the timeliness of reunification.¹⁵

In most of the ICWA Court hearings, the judge directly engaged with parties who were present, speaking directly to them (often by name) and asking if they had any questions. Judicial engagement often included asking parents or relatives if they had any needs or barriers impacting their ability to complete their reunification plan. The judge would frequently engage in problem-solving with parents and directly address their needs or barriers with the social worker during the hearing. The judge would regularly praise parents for their progress in the case and address parents’ disparaging or self-deprecating comments in a supportive and empathic manner. In cases where dialogue escalated, the judge asked court security to assume non-threatening postures. Tribal representatives were nearly always invited to speak when present in person or via telephone, and the judge frequently delayed or reconvened hearings when parties were known to be running late.

“When parents are absent/MIA it’s important to apply active and diligent efforts to locate them. Check documentation system for previous phone numbers and addresses. Utilize those to make contact. Contact relatives to check if they have contact or know whereabouts. Check jail inmate sites. Search online. Pretty much do a thorough search and never stop searching.”

15 See for example, Summers, A. (2017). *Exploring the Relationship Between Hearing Quality and Case Outcomes in New York*. New York, NY: New York State Unified Court System Child Welfare Improvement Project; Russell, J. & Summers, A. (2013). Reflective decision-making and foster care placements. *Psychology, Public Policy and the Law*, 19, 127-136.

Having open, clear communication with parents along with creating a welcoming court environment are key components of engaging families in the ICWA Court, according to stakeholders. Those involved in the ICWA Court believed that relationship-building is important, as is asking parents what they need. The physical layout of the courtroom (including the arrangement of furnishings, artwork, etc.) and the ability for parents to appear virtually is considered to be equally as important. By reimagining the layout of the courtroom, the ICWA Court is able to ensure a more culturally informed and welcoming environment. It is a way for families to walk into the court room feeling like they have a voice in the hearing from the beginning.

"The development of the ICWA Court in St. Louis County has been very successful in engaging parents. It is set up so the parents and professional staff along with the judge are sitting on the same level around a table. Much less intimidating than a normal court room."

Judges are responsible for making certain that parents are vigorously represented by well trained, culturally responsive, and adequately compensated attorneys.¹⁶ The *Enhanced Resource Guidelines* recommends that putative fathers be established and be brought into the process as soon as possible to avoid delays that happen when they are not.¹⁷ It is important that a judge not only asks about the last contact an attorney had with their client, but also what steps were taken to contact their client. It is possible that other stakeholders present in the courtroom or family members will have contact information that would be useful to the attorney.

In the St. Louis County ICWA Court, one or two assistant county attorneys typically specialize in ICWA cases. While no significant differences were found between the pre- and post-ICWA Court cases for presence of attorneys in hearings, for both groups of cases attorneys for mothers and children were frequently present across all hearing types. Attorneys for fathers, however, were not frequently present during hearings. Attorneys for fathers were most commonly present at the first disposition review hearing and permanency hearings.

¹⁶ *Enhanced Resource Guidelines*, pg. 16

¹⁷ *Enhanced Resource Guidelines*, pg. 82

Tribal Representative Engagement

“Intentionally involving the tribe in case planning and following their recommendations are really important. It’s more than a phone call with an update. It’s asking those questions about lineage, services, cultural practices and norms for their community, placement preferences, relative options, thoughts on safety, and so on.”

In addition to engaging families so they feel they have a part in the proceedings, it is also crucial to engage tribal representatives. The *Enhanced Resource Guidelines* lists maintaining open lines of communication with tribes as a way to prevent Indian children from languishing in foster care.¹⁸ In addition, tribal representatives should be notified and present at all hearings. Tribal representatives are essential to help inform and balance a judge’s cultural understanding about customs and traditions of a family.¹⁹ By including tribal representatives in hearings at the table with other stakeholders similar to attorneys and caseworkers, a judge is also modeling best practices for the other stakeholders by demonstrating how important it is to

ensure tribal representatives are included in decision-making.

Issues like cultural humility play a key role in the area of engaging families in a court setting and a tribal-state court collaborative can assist in improving the environment, practices, and policies.²⁰ Reviewing everything from how hearings are explained to how families are able to get to court can lead to improving the level of engagement with tribal families. Tribal representatives are also critical in developing appropriate resources, ensuring tribal families are informed about what is happening in their case, and connecting families to resources.

“Acknowledging that your agency has room to grow when it comes to ICWA and engaging in dialogue [with tribal representatives] about what could be improved is critical. Denying there are issues especially when the numbers show the truth gets you nowhere.”

Tribal representatives appeared more frequently at hearings later in the case in both pre- and post-ICWA Court cases, but significantly more tribal representatives appeared at dispositional

18 *Enhanced Resource Guidelines*, pg. 92

19 *Enhanced Resource Guidelines*, pg. 129

20 Cultural humility is a term originally defined in the medical education field as incorporating “a lifelong commitment to the self-evaluation and self-critique, to redressing the power imbalances in the patient-physician dynamic, and to developing mutually beneficial and nonpaternalistic clinical and advocacy partnerships with communities on behalf of individuals and defined populations. See Tervalon, M., & Murray-García, J. (1998). Cultural Humility Versus Cultural Competence: A Critical Distinction in Defining Physician Training Outcomes in Multicultural Education. *Journal of Health Care for the Poor and Underserved* 9(2), 117-125.

review hearings in post-ICWA Court cases.²¹ When tribal representatives were engaged in discussion during ICWA Court observations, it was most often to discuss the tribe's involvement in case planning (64%), and occurred most often at intermediate disposition hearings (70%), permanency pre-trials (79%), and permanency reviews (76%).

“Best practices that I can think of to approach engagement with the Tribe and Tribal representatives is doing ICWA and MIFPA Notices, open communication, involvement, doing meetings together, and doing everything as a team.”

ICWA Court stakeholders feel it is very important to involve tribes from the onset of the case. Listening to tribal representatives and engaging them was considered by stakeholders to be a key component of the ICWA Court's success. This engagement happens both in the courtroom and in meetings to discuss issues that arise in order to improve the court experience for everyone.

Placement Preference



According to the *Enhanced Resource Guidelines*, it is important for judges to look for why the child cannot return home that day.²² In addition, it is important to examine why the child cannot be protected in the home if services are provided.²³ When the plan is reunification and the judge is reviewing the plan, the judge should ask what is preventing the child from returning home at every hearing from the initial hearing to the permanency plan hearing.²⁴ Throughout the life

of the case, it is important for judges to ask the question of attorneys, caseworkers, and others that have influence over the outcome of the case and the health and well-being of the children and families.

If a child cannot return home, placement preference is a key provision under ICWA. Preferences for placement are listed in the following order: member of the Indian child's

21 Please see appendices 1 and 2 for more details.

22 *Enhanced Resource Guidelines*, pg. 220

23 *Enhanced Resource Guidelines*, pg. 240

24 *Enhanced Resource Guidelines*, pg. 133, 170, and 326; see also *Indian Child Welfare Act Judicial Benchbook*

“Relatives are utilized as placement resources, supports for parents and children, safety plan participants, participate in visits with the children, and contacts for cultural questions.”

extended family; a foster home licensed, approved, or specified by the Indian child’s tribe; an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child’s needs.²⁵ It is important for both judges and stakeholders to understand the law

and the spirit of the law in order to understand the importance of keeping children, a tribe’s greatest resource, in their tribal community whenever possible. Additionally, judges and stakeholders should listen to tribes and deviate from placement preference only when tribes are in full support of the deviation. Reasons for this support may include keeping siblings together, making family time accessible, or offering specific treatment options, according to those who have observed ICWA court.

While a finding that placement preference was followed at least once across the life of the case was made in the majority of pre-ICWA Court cases, it was made in all of the post-ICWA Court cases representing a significant improvement. When compared to data from pre-ICWA Court, the placement of children with parents appears to happen earlier in the ICWA Court cases and increases across hearings. Relative resources for placement also appear to be identified early on, with children often placed with relatives as early as the emergency protective custody (EPC) hearings.²⁶

Those who have observed ICWA Court also point out the responsibility of stakeholders to coach parents when parents are not in a state of mind to identify placement options. Stakeholders can do this by asking parents to consider relatives, community members, or friends, which would be preferable to placing the child with someone completely unknown to the child. This can also be done by producing genograms and encouraging parents to think about potential placements other than direct blood relatives. The child’s tribe and its tribal agency representative are invaluable resources for placement options. Other tribes or tribal organizations in the vicinity are also good resources. By knowing and utilizing all the possible resources, it allows the judge and stakeholders to follow placement preferences as much as possible, ensuring the child stays connected to their tribe.

Relatives can be involved in a number of ways according to ICWA Court stakeholders. One of the ways this can happen is during a family group conference at the tribal agency or state agency. By holding these meetings at the tribal agency, the stakeholders are demonstrating

²⁵ 25 U.S.C. § 1915(b).

²⁶ The Emergency Protective Custody Hearing is the initial hearing. Please see appendices 1 and 2 for more details.

a commitment to a more culturally appropriate intervention. Even if they do not appear in the court, the inclusion of relatives is an important consideration, as they can provide information no one else may have knowledge of. While it may be challenging to engage relatives, depending on their relationship with the parents, it may also be vital to achieving a positive outcome in the case.

With respect to child placement, significantly more children were placed with relatives in earlier stages of post-ICWA Court cases. Post-ICWA Court cases had significantly more permanent custody to relative outcomes as well. The study found that when a child was placed with a relative by the admit/deny hearing they were more likely to achieve a permanent custody to relative placement outcome.²⁷ In later stages of the case, placement with parents became more common in both pre- and post-ICWA Court cases. Cases in which a child was placed with their parent by the first dispositional review hearing were significantly more likely to close with a reunification outcome. Finally, significantly more cases post-ICWA Court were able to close within 12-24 months of original petition filing.

A strong tribal-state court collaborative can assist in ensuring that the court knows what types of placements are available and proper services are provided to parents and extended family. Tribal agencies and caseworkers may not be able to provide the needed services, but they can advise on what those services need to be. They can also offer perspective and opinions on what services may work better than others and the types of difficulties the family faces. An example of this is in urban centers where there may be an urban American Indian resource center staffed by members of tribes from all over the country. Members of a tribal-state collaborative may know how to make sure the most appropriate individuals are contacted to ensure connections are established or maintained.

²⁷ The Admit/Deny Hearing occurs after the Emergency Protective Custody Hearing and typically happen at the same time as the Adjudication and Disposition Hearing. Please see appendices 1 and 2 for more details.

Active Efforts

“It’s important to dispel the myth and bias that surrounds ICWA work. People need to have a passion for this work and respect the people they serve.”

Judges play a key role in determining whether or not child welfare agencies made reasonable efforts to prevent removal of children from their families and active efforts for children in ICWA cases. The *Enhanced Resource Guidelines* outline the importance of asking specific questions in this area including: “Am I convinced that reasonable efforts, or active

efforts in ICWA cases have been made in an individualized way to match the needs of the family?”²⁸ The *Enhanced Resource Guidelines* also focus on how a universal precautions approach to trauma in justice systems assume that all people appearing in courts have experienced adversity in some manner.²⁹ By understanding both ICWA and the active efforts provision of the law, judges will understand how that adversity plays a role in all ICWA cases.

The 2016 Federal Regulations defined active efforts as “affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian child with his or her family.”³⁰ Where an agency is involved in the child-custody proceeding, active efforts must involve assisting the parent or parents or Indian custodian through the steps of a case plan and with accessing or developing the resources necessary to satisfy the case plan. To the maximum extent possible, active efforts should be provided in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child’s tribe and should be conducted in partnership with the Indian child and the Indian child’s parents, extended family members, Indian custodians, and Tribe.”³¹

“It’s also important that the folks involved in the process of developing and maintaining ICWA Court are prepared to have difficult conversation and will advocate within their respective agencies for change.”

28 *Enhanced Resource Guidelines*, pg. 67 see also National Council of Juvenile and Family Court Judges Resolution Regarding Trauma-Informed Juvenile and Family Courts (2015) <https://www.ncjfcj.org/wp-content/uploads/2019/08/regarding-trauma-informed-juvenile-and-family-courts.pdf>; Hartway, L. & Korthase, A. (2020) *The Indian Child Welfare Act and Active Efforts: Past and Present*. Reno, NV: National Council of Juvenile and Family Court Judges; Edwards, L. (2018) *Defining Active Efforts in the Indian Child Welfare Act NACC the Guardian*, 41(01) 1-8.

29 *Enhanced Resource Guidelines*, pg.78 see also Stoffel, E., Korthase, A., & Gueller, M. (2019). *Assessing Trauma for Juvenile and Family Court Judges: From Development to Implementation, 2013-2017*. Reno, NV: National Council of Juvenile and Family Court Judges.

30 25 C.F.R. § 23.2

31 25 CFR part 23. Available at <https://www.federalregister.gov/documents/2016/06/14/2016-13686/indian-child-welfare-act-proceedings>

Active efforts findings were made at least one time in every ICWA case where the child was removed from his or her parent(s) or other legal guardian(s) in both pre- and post-ICWA Court cases. Verbal active efforts findings were also made in all of the ICWA Court hearings observed. In all of the Permanency Admit Deny Hearings (ADH) observed (100%), the judge made verbal findings about active efforts to prevent removal and in most of those same hearings (68%) the judge also made active efforts to return the child home findings.

Qualified Expert Witness (QEW)



According to the federal law, no foster care placement or termination of parental rights may be ordered without the testimony of a QEW. A QEW is a person who will testify that the child's continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.³² The QEW should also be qualified to testify as to the prevailing social and cultural standards of the Indian child's tribe.³³ A person may be designated as a QEW by the child's tribe.³⁴ The court or any party may request the assistance of the child's tribe in locating persons qualified to serve as expert witnesses. The witness cannot be the social worker assigned to the case.³⁵ According to the ICWA Court stakeholders, the best QEW is one designated by the tribe, and the judge should defer to the tribe.

A QEW should appear at the initial hearing to testify and to advise the court and parties.³⁶ In addition, the *Enhanced Resource Guidelines* lists the need for the QEW to be present at each stage of the case after the initial hearing in addition to a tribal liaison. The purpose of the QEW is to provide the court and parties with information necessary to make key decisions in the case; therefore, it is a recommended best practice that they attend each hearing.

QEW testimony findings were made when appropriate, and findings that the child was at risk of imminent physical damage or harm if left in the home was made in the majority of all EPC hearings in post-ICWA Court cases (significantly more often than in pre-ICWA Court cases). Twenty-eight percent of all cases in the pre-ICWA Court sample had a documented use of a QEW, compared to 38% of all cases in the post-ICWA Court sample.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ 25 U.S.C. § 1912 (e) & (f); 25 C.F.R. § 23.122(a).

³⁶ *Enhanced Resource Guidelines* 112. See also *Indian Child Welfare Act Judicial Benchbook*.

Conclusion

St. Louis County's ICWA Court implementation aligns with best practice recommendations in child welfare proceedings. Through attention to thorough inquiry, timely notice, engagement of parents and tribal representatives, and adhering to the law of ICWA, the Court also demonstrates positive outcomes. Along with the law of ICWA, the spirit of ICWA is at the center of St. Louis County's practice implementation experience and is an important consideration for jurisdictions that are seeking to enhance their own ICWA implementation efforts.

To provide additional context, and help other jurisdictions who may be considering an ICWA Court initiative, three key stakeholders in the St. Louis County ICWA Court development, Judge Sally Tarnowski, Judge Paul Day, and Bree Bussey were asked to provide insight into how the Court embraces the spirit of ICWA, implementation lessons learned, and next steps.

Bree Bussey, Director of the Center for Regional and Tribal Welfare Studies at the University of Minnesota Duluth, describes the spirit of ICWA as including a deep understanding across systems of not just the “what” but more importantly the “why” ICWA exists. She believes once stakeholders deeply understand this, they are more inclined to do what needs to be done and continue to educate others – *“It moves people from their heads into their heart.”* She reflects on something one of their beloved elders said at their very first ICWA Collaborative meeting in October of 2014; *“He said: We must create a system within the system that has its head and heart in balance. That is the goal.”*

For **Chief Judge Paul Day**, Leech Lake Band of Ojibwe Tribal Court, providing parents with the understanding that reunification is the goal and helping find services without shaming or blaming parents is at the center what the ICWA Court offers. He feels *“it is important to know that most parents want to be with their kids and to ask why they are in the situation with a goal of assisting in reunification. This respect, and the goal of reunification is at the center of the spirit of ICWA.”*

Judge Tarnowski, Sixth Judicial District of Minnesota, agrees saying *“The ICWA Court better promotes the spirit of ICWA by ensuring its provisions are followed and through the relationships forged in the Court. It is critical that those relationships continue to be fostered through the meetings of stakeholders and the continued questioning of what we can do better. These things promote trust, something that is necessary but often absent in these cases.”*

According to **Bree Bussey**, Creating an ICWA Court *“is a multi-faceted journey that requires long term relationship building and a commitment to stay at the table and learn*

together. It requires a willingness to engage in deep self-reflection, critical thinking, and changing the systemic response to ICWA and associated state laws. Most importantly, it absolutely must be led by tribal voices. Stakeholders have to be willing to be the change within their agency and actively work to identify and then close the systemic gaps that lead to poor outcomes for American Indian families and tribes. This must be done together, and it is a journey that can be challenging.” She would suggest reaching out to jurisdictions that have ICWA courts and build those relationships, as there is much to share.

For these stakeholders and others who have been involved in the ICWA Court’s implementation, next steps for the collaborative include ongoing deep engagement in systems change work, ongoing deep collaboration among stakeholders, engagement of more judges in the district and statewide in the work, and ongoing effort to create a bigger “collaboration table.” It also includes looking at ways to increase the inclusion of tradition and culture in a state court setting prior to case closure. Looking to ways tribal courts do this can offer possibilities. As the Court moves forward, Judge Tarnowski believes they will continue to build upon strengths and always ask what they can do better.

This publication serves as an illustration of the efforts that can be made in a jurisdiction to provide the best support for tribal children and families in ICWA cases. The results of the study of the St. Louis County ICWA Court, done in partnership with the CBCC and Minnesota’s CJI, show what can be accomplished by state and tribal collaboration and how those efforts and results are aligned with best practices for ICWA cases.³⁷ While an ICWA Court may not be possible or practical for every jurisdiction, it is our hope this publication can serve as a guide in implementing best practices in order to achieve positive outcomes for American Indian children and families.

³⁷ Additional quantitative and qualitative data continue to be collected related to ICWA Court practice as well as other ICWA implementation efforts in St. Louis County as part of Grant Award Number 90CT7004-03-00.

Appendices

1. Permanency Timeline for Children in Out-of-Home Placement
2. Hearings in CHIPS Cases

PERMANENCY TIMELINE FOR CHILDREN IN OUT-OF-HOME PLACEMENT

(Timeline shows the latest date for each event)

CHIPS Proceeding

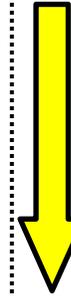
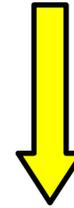
0 3 13 28 30 53 63 103 123 180 193 283 **335*** **365*** (Permanency Proceeding Commenced)

Child Removed from home Petition Served¹ & EPC Hearing² & attorneys appear Admit Deny Hearing⁴ (ADH) Sched. Order Filed⁵ Out of Home Place. Plan Filed⁶ Pretrial Hearing⁷ Trial⁸ Disp. Rev. Hearing if Adj. & ADH⁹ Adj. & Dispo.¹⁰ Order Perm. Progress Review Hearing¹² Disp. Review Hearing⁹ Disp. Review Hearing⁹ Perm. Petition Filed

GAL and SW reports must be filed and served at least 5 days prior to each hearing³⁵

➔ If child not removed from home: Protective Services Case Plan must be filed with petition.³

***Only three exceptions:** The Admit/Deny Hearing (ADH) on the permanency petition may be continued beyond month 12 ONLY if: (1) the child is on a trial home visit (THV) at the time the permanency petition is supposed to be filed, and then the ADH may be continued for the remaining length of the THV (a THV may last no more than 6-months); or (2) the child is in protective supervision with the parent from whom the child was removed; or (3) at least one other CHIPS petition has been filed within the last 5 years and the child has been in out-of-home placement for 365 days on those prior petition(s), then, if the agency establishes a compelling reason, the court may continue the ADH on the permanency petition for up to 6 months.¹⁵



Permanency Proceeding (in order of statutory preference¹³)

Termination of Parental Rights (TPR) (leading to adoption)

Preferred permanency¹³:
Adoption through either TPR or Consent to Adopt

Guardianship to Commissioner of Human Services – Consent to Adopt (GLCHS)

Transfer of Permanent Legal and Physical Custody to a Relative (TPLPC)

Permanent Custody to the Agency for Placement in Foster Care (PCA)

Temporary Legal Custody to the Agency for Specified Period of Time (TLCSTP)

335	365	415	425	485	575
TPR Petition Filed ¹⁴	Admit/Deny Hearing ¹⁵	Pretrial Hearing ¹⁶	Trial Start ¹⁷	Findings Decision Filed ¹⁸	Post-TPR Review Hearing ¹⁹
335	365	415	425	485	575
Consent To adopt Filed ²⁰				Findings Filed ²¹	90-Day Review Hearing ²²
335	365	415	425	485	575
TLC Petition Filed ²³	Admit/Deny Hearing ²⁴	Pretrial Hearing ²⁵	Trial Start ²⁶	Findings Decision Filed ²⁷	Post-TLC Review Hearing ²⁸
335	365	415	425	485	575
PCA Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴
335	365	415	425	485	575
TLCSTP Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴

CHIPS Proceeding

- 1 **Summons and Petition:** Petition must be filed before EPC hearing ([RJPP 42.07](#)) and Petition and Summons to Admit/Deny hearing must be served at or before EPC hearing or at least 3 days prior to Admit/Deny Hearing, whichever is earlier ([RJPP 44.02, subd. 3](#)).
- 2 **EPC:** Commenced within 72 hours of child's removal from home, excluding Sat., Sun., and legal holidays ([RJPP 42.01, subd. 1](#); [Minn. Stat. § 260C.178, subd. 1\(a\)](#)). Court appointed attorneys must appear at EPC or Admit/Deny hearing, whichever is earlier ([Minn. Stat. § 260C.163, subd. 3](#); [RJPP 36.01](#)). Indigent parents/children have a right to counsel at EPC (detention) hearing ([Minn. Stat. § 260C.176, subd. 3\(7\)](#)).
- 3 **Protective Services Case Plan** (used when child not removed from home): Filed by social services along with CHIPS petition, unless exigent circumstances or non-cooperation of parent ([RJPP 26.04\(a\)](#); [Minn. Stat. § 626.556, subd. 10m](#)).
- 4 **Admit/Deny Hearing (ADH):** If child removed from home, ADH must be commenced within 10 days of EPC hearing; ADH may be combined with EPC if all agree ([RJPP 46.02, subd. 1](#)). If child not removed from home, ADH no sooner than 3 days and no later than 20 days after filing of the petition ([RJPP 46.02, subd. 2\(a\)](#)). If Indian child, no ADH shall be held until at least 10 days after receipt of Petitioner's "ICWA Notice" by the child's parents, Indian custodian, tribe(s), and BIA Regional Director; parents, Indian custodian, and/or tribe may request up to 20 additional days to prepare for ADH ([RJPP 46.02, subd. 2\(a\)](#); [Fed. Regs. 25 CFR § 23.111\(e\)](#); [Minn. Stat. § 260.761, subd. 3](#)). Court appointed attorneys must appear at EPC or Admit/Deny hearing, whichever is earlier ([Minn. Stat. § 260C.163, subd. 3](#); [RJPP 36.01](#)).
- 5 **Scheduling Order:** Issued in every CHIPS case within 15 days of ADH and must include dates for permanency progress review hearing, filing of permanency petition, and ADH on Permanency Petition ([RJPP 6.02](#)).
- 6 **Out of Home Placement Plan** (used when child removed from home): Filed by social services agency within 30 days of child's court-ordered placement or voluntary placement agreement ([RJPP 26.02, subd. 2](#); [Minn. Stat. § 260C.178, subd. 7\(a\)](#); [Minn. Stat. § 260C.212, subd. 1\(a\)](#)).
- 7 **Pretrial:** At least 10 days prior to trial ([RJPP 48.01](#)).
- 8 **Trial:** Commenced within 60 days of EPC or Admit/Deny, whichever is earlier; must be held on consecutive days; must be completed within 30 days of commencement ([RJPP 49.01, subd. 1](#)).
- 9 **Disposition Review Hearing:** When disposition is custody to agency, review hearing at least every 90 days following disposition ([RJPP 51.03](#)); when disposition is protective supervision, court review hearing at least every 6 months following disposition ([RJPP 51.03](#)); when disposition is trial home visit, review hearing at least every 90 days ([RJPP 43, subd. 7](#)).
- 10 **Findings/Adjudication Order:** Within 15 days of conclusion of testimony, including time for filing briefs (may extend 15 days for good cause) ([RJPP 49.04, subd. 1](#); [RJPP 50.01](#)).
- 11 **Disposition Order:** Preferably issued on same day as adjudication finding, but no later than 10 days from adjudication order ([RJPP 51.02](#)).
- 12 **Permanency Progress Review Hearing (PPRH):** For every child in foster care or care of nonresident parent, must be commenced no later than 6 months after court-ordered placement ([Minn. Stat. § 260C.204\(a\)](#)).
- 13 **Preferred permanency option for child who cannot return home:** TPR and adoption, or guardianship to the commissioner of human services through a consent to adopt ([Minn. Stat. 260C.513\(a\)](#)).

Permanency Proceedings Termination of parental rights or consent to adopt leading to adoption are the preferred permanency options when child cannot return home ([Minn. Stat. § 260C.513\(a\)](#)).

Termination of Parental Rights (TPR) Proceeding

- 14 **TPR Petition:** Permanency petition must be filed by month 11 for any child who remains in foster care or in care of nonresident parent (see "limited exception") ([Minn. Stat. § 260C.505\(a\)](#)).
- 15 **Admit/Deny Hearing (ADH):** For any child (regardless of age) who remains in foster care or in care of nonresident parent, ADH must be commenced not later than 12 months after court-ordered placement ([Minn. Stat. § 260C.507](#)). *See below "Limited Exceptions" to extend timeline.
- 16 **Pretrial Hearing:** At least 10 days prior to trial ([RJPP 57.01](#)).
- 17 **Trial:** Commenced within 60 days of the first scheduled ADH; must be held on consecutive days; must be completed within 30 days of commencement ([RJPP 58.01, subd. 1](#); [Minn. Stat. § 260C.509](#)).
- 18 **Findings and Decision:** Issued within 15 days of conclusion of testimony (may extend 15 days if in interests of justice and in child's best interests) ([RJPP 58.04\(a\)](#); [Minn. Stat. § 260C.517\(b\)](#)).
- 19 **Post-TPR Review Hearing:** At least every 90 days following TPR decision until adoption finalized ([Minn. Stat. § 260C.519\(4\)](#); [Minn. Stat. § 260C.607](#)).

Guardianship and Legal Custody to Commissioner of Human Services

- 20 **Consent to Adopt by an identified adoptive home:** Permanency petition not filed but, instead, prospective adoptive parent identified by agency has agreed to adopt child and court accepts bio parent's voluntary consent to adoption ([Minn. Stat. § 260C.515, subd. 3](#)). Consent irrevocable upon acceptance by court, unless child is Indian child in which case consent may be withdrawn for any reason at any time prior to entry of final adoption decree ([Minn. Stat. § 260C.629, subd. 1](#)). Acceptance of consent does not terminate parental rights, but does vest with commissioner of human services all legal authority regarding child, including guardianship and legal custody of child as if child were a state ward after a TPR.
- 21 **Findings and Decision:** Within 15 days of the consent (may extend 15 days for good cause), court must issue findings and order transferring guardianship and legal custody ([RJPP 58.04](#)).
- 22 **Post-Consent Review Hearing:** At least every 90 days following consent until adoption finalized). ([Minn. Stat. § 260C.515, subd. 3](#)).

Transfer of Permanent Legal and Physical Custody to a Relative (TPLPC) Proceeding

- 23 **TPLPC Petition:** Permanency petition must be filed by month 11 for any child who remains in foster care or in care of nonresident parent (see "limited exception") ([Minn. Stat. § 260C.505\(a\)](#)).
- 24 **Admit/Deny Hearing:** For any child (regardless of age) who remains in foster care or in care of nonresident parent, ADH must be commenced not later than 12 months after court-ordered placement ([Minn. Stat. § 260C.507\(a\)](#)). *See below "Limited Exceptions" to extend timeline.
- 25 **Pretrial Hearing:** At least 10 days prior to trial ([RJPP 57.01](#)).
- 26 **Trial:** Commenced within 60 days of the first scheduled ADH; must be held on consecutive days; must be completed within 30 days of commencement ([RJPP 58.01, subd. 1](#); [Minn. Stat. § 260C.509](#)).
- 27 **Findings and Decision:** Issued within 15 days of conclusion of testimony (may extend 15 days if in interests of justice and in child's best interests) ([RJPP 58.04\(a\)](#); [Minn. Stat. § 260C.517\(b\)](#)).
- 28 **Post-TPLPC Review Hearing:** Not required unless judge orders; however, best practice to hold hearings 30 – 90 days to ensure smooth transition and needs of child are being met ([Minn. Stat. § 260C.521, subd. 2](#)).

Permanent Custody to Agency for Placement in Foster Care (PCA) and Temporary Custody to Agency for Specified Period of Time Proceedings (TCASPT)

- 29 **PCA or TCASPT Petition:** Permanency petition must be filed by month 11 for any child who remains in foster care or in care of nonresident parent (see "limited exception") ([Minn. Stat. § 260C.505\(a\)](#)).
- 30 **Admit/Deny Hearing:** For any child (regardless of age) who remains in foster care or in care of nonresident parent, ADH must be commenced not later than 12 months after court-ordered placement ([Minn. Stat. § 260C.507\(a\)](#)). *See below "Limited Exceptions" to extend timeline.
- 31 **Pretrial Hearing:** At least 10 days prior to trial ([RJPP 57.01](#)).
- 32 **Trial:** Commenced within 60 days of the first scheduled ADH; must be held on consecutive days; must be completed within 30 days of commencement ([RJPP 58.01, subd. 1](#); [Minn. Stat. § 260C.509](#)).
- 33 **Findings and Decision** Issued within 15 days of conclusion of testimony (may extend 15 days if in interests of justice and in child's best interests) ([RJPP 58.04\(a\)](#); [Minn. Stat. § 260C.517\(b\)](#)).
- 34 **Post-PCA Review Hearing:** At least annually until child discharged from foster care; best practice is more frequent hearings for older youth age 17+ who are about to be discharged from foster care to ensure a smooth transition and an understanding of details of adult life from checking accounts, to rent, to groceries, to basic necessities ([Minn. Stat. § 260C.521, subd. 1\(a\)](#)).
- 35 **GAL and Social worker reports:** Must be filed with court and served on all parties at least 5 days prior to each hearing. ([RJPP 27.01, subd. 2 – social workers](#); [RJPP 27.11, subd. 2 – GALs](#)).

***Limited Exceptions to ADH timing:** child in protective supervision with parent from whom moved, or child in trial home visit, or child already in foster care 365+ days on prior CHIPS petitions in last five years and court approves compelling reasons to extend date for permanency admit deny hearing ([Minn. Stat. 260C.503, subd. 3\(b\)\(2\) and \(c\)](#)).

Children's Justice Initiative

Hearings in CHIPS Cases

Hearings in CHIPS Cases		
EPC	Emergency Protective Care Hearing	<ul style="list-style-type: none"> • Held within 72 hours of child's removal from home, not counting Saturdays, Sundays, and legal holidays • May be continued for a period not to exceed 8 days if necessary to allow for accumulation or presentation of evidence or witnesses, to protect the rights of a party, or for other good cause shown
ADH	Admit/Deny Hearing	<ul style="list-style-type: none"> • When child removed from home, must be held within 10 days of EPC hearing; may be combined with EPC if all agree • When child not removed from home, must be held no sooner than 3 days and no later than 20 days after filing of petition • When Indian child, must not be held until at least 10 days after receipt of Petitioner's "ICWA Notice" by child's parents, Indian custodian, tribe(s), and BIA Regional Office as evidenced by filing of return receipts; they may request an additional 20 days to prepare for ADH; must continue holding EPC hearings at least every 30 days if not able to proceed with ADH
PRE	Pretrial	<ul style="list-style-type: none"> • Held at least 10 days prior to trial
CRT	Court Trial	<ul style="list-style-type: none"> • Commenced within 60 days of EPC or ADH, whichever is earlier • Must be held on consecutive days whenever possible • Must be completed within 30 days of commencement • Under Judicial Branch policy, because of expedited nature of child protection proceedings, CHIPS hearings/trials takes priority over hearings in other case types
ADJ	Adjudication Hearing	<ul style="list-style-type: none"> • Typically not a separate hearing • Often combined with disposition hearing
DSP	Disposition Hearing	<ul style="list-style-type: none"> • Typically not a separate hearing • Often combined with ADH
IDH	Intermediate Disposition Review Hearing	<ul style="list-style-type: none"> • When child in foster care or care of noncustodial parent, held at least every 90 days • When child in trial home visit, held at least every 90 days • When child under protective supervision of parent from whom removed, held at least every 6 months (best practice is to hold more frequently)
PPRH	Permanency Progress Review Hearing	<ul style="list-style-type: none"> • When child in foster care or care of noncustodial parent, held not later than 180 days after court-ordered placement • Only one PPRH per case (all other review hearings are called IDH) • Not held in TPR or permanency proceedings

Hearings in Permanency Cases

ADH	Admit/Deny Hearing	<ul style="list-style-type: none"> • When child removed from home and continues in out-of-home placement, held not later than 12 months (365 days) after court-ordered placement • TPR or permanency petition must be filed and served not later than 11 months (335 days) after court-ordered placement
PRE	Pretrial	<ul style="list-style-type: none"> • Held at least 10 days prior to trial
CRT	Court Trial	<ul style="list-style-type: none"> • Commenced within 60 days of first-scheduled ADH • Must be held on consecutive days • Must be completed within 30 days of commencement • Under Judicial Branch policy, because of expedited nature of child protection proceedings, TPR and permanency hearings/trials takes priority over hearings in other case types
ADJ	Adjudication Hearing	<ul style="list-style-type: none"> • Typically not a separate hearing • Often combined with disposition hearing
DSP	Disposition Hearing	<ul style="list-style-type: none"> • Typically not a separate hearing • Often combined with ADH
RPP	Review Post-Permanency	<ul style="list-style-type: none"> • When disposition is termination of parental rights (TPR), held at least every 90 days until adoption finalized • When disposition is transfer of permanent legal and physical custody to a relative (TPLPC) and Northstar Financial Assistance is not being sought, court may hold hearings as often as necessary to ensure smooth transition of child to relative custodian • When disposition is transfer of permanent legal and physical custody to a relative (TPLPC) and Northstar Financial Assistance is being sought, held at least every 90 days until Northstar requirements met • When disposition is Permanent Custody to Agency, held at least annually until child discharged from foster care (which may be age 21) • When disposition is Temporary Custody to Agency, held at least annually until child discharged from foster care (which may be age 21)



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